

BEFORE THE TENNESSEE REGULATORY AUTHORITY

In re: Proposed Rulemaking Implementing)
Regulations for Telephone Telecommunications)
Service Providers)

Docket No. 00-00873

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REGULATORY AUTH.
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EXECUTIVE SECRETARY

COMMENTS OF THE
CONSUMER ADVOCATE AND PROTECTION DIVISION
OF THE TENNESSEE ATTORNEY GENERAL'S OFFICE

The Attorney General of the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter for the State of Tennessee ("Attorney General"), respectfully submits the following comments in response to the Tennessee Regulatory Authority's Notice of Rulemaking regarding regulations for telephone telecommunications service providers. The comments are submitted by the Attorney General in its public interest role of protecting consumers through enforcement and investigatory powers under the Tennessee Consumer Protection Act and the Attorney General's activities before the Tennessee Regulatory Authority ("Authority").


Service quality has become a significant problem for the telecommunications industry and the consumer. State Attorneys General throughout the nation have committed significant resources to combating this growing crisis.

Attached is a copy of the Attorney General's proposed redline version of the sections of the proposed amendments to be considered at the January 30, 2001 workshop. With the exception of these suggested edits, the Attorney General supports the proposed rules as written.

The Attorney General strongly supports the Authority's efforts toward carrying out the mandate given it by the Legislature. The Authority is faced with a growing crisis. The rule it

promulgates will go a long way toward slowing the obvious trend toward lower service quality in the telephone telecommunications industry.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Paul G. Summers", written over a horizontal line.

PAUL G. SUMMERS
Attorney General And Reporter
B.P.R. No. 6285

A handwritten signature in black ink, appearing to read "Timothy C. Phillips", written over a horizontal line.

TIMOTHY C. PHILLIPS
Assistant Attorney General
B.P.R. No. 12751
Office of the Attorney General
Consumer Advocate and Protection Division
425 Fifth Avenue North, 2nd Floor
Nashville, TN 37243
615-741-3533

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2001, a true and correct copy of the foregoing document was served on the parties listed below via U.S. Mail, postage prepaid:.

John B. Adams
Citizens Communications
250 S. Franklin Street
Cookeville, TN 38501

Susan Berlin
MCI Worldcom, Inc.
Six Concourse Pkwy, #3200
Atlanta, GA 30328

Guy M. Hicks, III
General Counsel
BellSouth Communications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

Andrew O. Isar
ASCENT
3220 Uddenberg Lane NW
Gig Harbor, Washington 98335

James Lamoureux, Esquire
AT&T
1200 Peachtree Street, NE
Atlanta, GA 30309

Bruce H. Mottern
TDS Telecom
P.O. Box 22995
Knoxville, TN 37933-0995

Carol Paulsen
SBC Telecom
5800 Northwest Parkway
Suite 125, 1-Q-01
San Antonio, Texas 78249

Dana Shaffer, Esquire
XO Communications, Inc.
105 Malloy Street, #100
Nashville, TN 37201

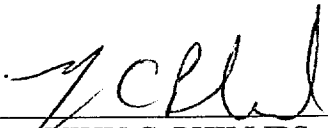
Tim Smoak
Regulatory Manager
US LEC Coproration
6801 Morrison Boulevard
Charlotte NC 28211

Renee Terry
e.spire
131 National Business Parkway, Suite 100
Annapolis Junction, MD 20701

Henry Walker, Esquire
Boult, Cummings, et al.
P.O. Box 198062
Nashville, TN 37219-8062

Charles B. Welch
Farris, Mathews, et al.
618 Church Street, #300
Nashville, TN 37219

James Wright, Esq.
United Telephone - Southeast
14111 Capitol Blvd.
Wake Forest, NC 27587


TIMOTHY C. PHILLIPS
Assistant Attorney General

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Substance of Proposed Rules to be Considered at the January 30, 2001 Workshop

Amendments

Chapter 1220-4-2 Regulations for telephone telecommunications service providers is amended by deleting Rules 1220-4-2 -.01 through .42 of the chapter in their entirety and substituting the following new sections:

Table of Contents

1220-4-2-.04	Customer Refunds for Service Outages
1220-4-2-.05	Customer Deposits
1220-4-2-.06	Disconnection of Local Service
1220-4-2-.07	Disconnection of Local Service to a Reseller
1220-4-2-.08	Privacy of Customer Information
1220-4-2-.14	Payment for Services

1220-4-2-.04 Customer Refunds for Service Outages

In the event the customer's local service is interrupted by other than the negligent or willful act of the customer or by an act of nature or civil disturbance and it remains out for 24 hours after being reported, telecommunications service providers shall automatically credit, on the following month's bill, the customer's account \$5.00 per day until the service is restored, unless a more liberal credit is allowed under the Telecommunications Service Provider's tariffs. The credit in any one month shall not exceed \$50.00.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.05 Customer Deposits

- (1) No security deposit shall be required as a condition for service other than as provided in Telecommunications Service Provider tariffs on file with the Authority. Deposits shall be calculated on the amount of security needed to ensure payment of an average of two (2) months local service charges, if the customer agrees to subscribe to a toll blocking service.
- (2) Deposits, plus interest, shall either be refunded to the customer or credited to the customer's outstanding bill if the customer has established a satisfactory payment history or when service is terminated. A satisfactory payment history is where the customer has paid their telephone bill on time for ~~11~~ 9 out of 12 months and has

not had their service disconnected for non-payment or made payment with a check with insufficient funds.

- (3) Deposits shall accrue at a simple interest rate of 6% annually.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.06 Disconnection of Local Service

- (1) Local service may be refused or discontinued for any of the reasons listed below:
- (a) For non-payment of the local service portion, including regulated optional services provided by the customer's telecommunications service provider, of the telephone bill. Disconnection for this cause requires a ten (10) business days prior written notice to the customer except in extreme cases as identified in 1220-4-2-.06 (1) (b) and (e).
 - (b) Customer use of equipment in such manner as to adversely affect the Telecommunications Service Provider's ability to provide service to other customers.
 - (c) Customer violation of any state or municipal law, ordinance or regulation pertaining to telephone services.
 - (d) Failure to provide the Telecommunications Service Provider with reasonable access to its equipment.
 - (e) Unauthorized, unlawful or fraudulent use of telecommunications service.
- (2) The following shall not be grounds for the disconnection or denial of local telephone service.
- (a) Non-payment of toll service or any unregulated charges, such as yellow page advertising, telephone equipment, Internet service and 900 pay-per-call services, appearing on the customer's telephone bill.
 - (b) Delinquency in payment of a previous bill by a present occupant who was delinquent at another address and subsequently joined the household of a customer in good standing.
 - (c) Failure to pay the bill of another customer as guarantor thereof.

- (d) Failure to pay for business service at a different location and different telephone number shall not constitute sufficient grounds to disconnect or refuse residential service.
- (3) Disconnection of local service shall adhere to the following procedures:
 - (a) No local service shall be disconnected on a day the telecommunications service provider's business office is closed or on a day preceding a day the business office is closed.
 - (b) Disconnection of local service for non-payment of services as specified in 1220-4-2-.06(1) shall only occur after the affected customer has received a ten (10) day written notice of the pending disconnection, unless the customer is receiving Lifeline assistance. Lifeline customers shall receive a written notice of 15 days prior to disconnection.
 - (c) Disconnection of local service shall only occur during the hours the telecommunications service provider has personnel available to accept payment and reconnect service.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.07 Disconnection of Service to a Reseller by an Underlying Carrier

- (1) The following steps shall be taken when an underlying carrier denies service to a local or long distance reseller:
 - (a) The underlying carrier shall provide no less than a thirty (30) days written notice to the reseller that service will be terminated on a date certain if actions are not taken by a date certain to rectify any of the conditions for disconnection found in 1220-4-2-.06 (1).
 - (b) The underlying carrier shall provide to the Authority and the Attorney General a ~~five (5)~~ ten (10) day notice of the pending disconnection of the reseller along with the reason(s) for the action.
 - (c) It is the responsibility of each reseller to notify its customers either in writing or by voice communications no less than ten (10) days prior of the pending disconnection of its service and advise its customers of their need to select another service provider.
 - (d) The reseller shall refund to its customers any credits due as a result of the disconnection of service within thirty (30) days of termination of the service.

- (e) The underlying carrier shall provide a soft dialtone to the customers of the reseller upon disconnection of the reseller's service until said customer selects another local provider.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.08 Privacy of Customer Information

- (1) In recognition of customer privacy, telecommunications service providers are prohibited from disclosing information about the customer such as name, address, calling habits or any other such information to any other person or entity without the prior approval of the customer, unless otherwise ordered by the Authority, a court or other lawful process is issued.
- (2) Telecommunications service providers are required to exclude, without charge, the customer's name, address and telephone number and any other such personal information from its directory and directory information service when requested by the customer.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.14 Payment for Services

- (1) Telecommunications service providers shall provide, upon request, a deferred payment plan that will allow a customer to make payment by installments when such customer is unable to pay the amount due for service. The deferred payment plan may require the customer to maintain his/her account current and make equal payments that will payoff the outstanding balance within an agreed period time that should not exceed six (6) months, unless circumstances warrant additional time.
- (2) Each telecommunications service provider shall provide a variety of bill payment options to its customers including payment by check, money order and credit card. The Telecommunications Service Provider shall assess no additional fee to the customer for utilizing bill payment options.
- (3) Any partial payment of a bill by a customer shall first go toward the basic local service charges.
- (4) Telecommunications service providers under or over billing shall recover from or refund to the customer no more than two (2) years for previous service charges.

- (5) Each telecommunications service provider shall allow its customers no less than ~~twenty (20)~~ thirty (30) days from the date of the bill to pay the balance before such bills are considered delinquent.
- (6) No less than ten (10) days prior to disconnection of local service for non-payment telecommunications service providers shall notify the customer in writing that their bill is delinquent, as defined in 1220-4-2-.14(5), and subject to be disconnected by a date certain.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

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